

REMARKS**I. Introduction**

Claims 4-17 have been examined and rejected. Upon entry of this amendment, Claims 5, 8, and 10-16 will have been canceled, Claims 4, 6, 7, 9, and 17 will have been amended, and Claim 18 has been added. Applicants respectfully submit that pending claims 4, 6, 7, 9, 17, and 18 are now in condition for allowance and request continued examination and reconsideration of the rejections set forth in the Office Action.

II. Response to Rejections**Rejections under 35 U.S.C. § 112**

The Examiner rejected Claims 5-7 and 9-12 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner points out that these claims refer to Claim 1 which has been canceled. To alleviate this problem, Applicant has amended these claims to refer to Claim 4 instead of Claim 1.

Rejections under 35 U.S.C. § 103

Claims 4-11 and 13-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Veeneman United States Patent Number 5,774,874 (“Veeneman”) in view of Knowlton United States Patent Number 6,061,057 (“Knowlton”). Claims 5, 8, and 10-16 have been canceled and are no longer in consideration. Regarding Claims 4, and 17, the Examiner stated that Veeneman teaches a method and system for facilitating “online ordering” comprising the steps of:

“scanning a plurality of barcodes using a barcode scanner (see at least Abstract and Figure 1); uploading said barcodes into a centralized repository (see at least Abstract, Col. 1, line 29 and Figure 1); resolving each barcode into a product identifier using a product database located on said central repository (see at least Abstract, Col. 1, line 29, and Figure 5); storing the resolved information in the repository in the form of

customized shopping lists' (see at least Col. 1, lines 64-67 and Col. 2, lines 1-16." (Final Action, p. 4)

Also, with respect to Claim 5, the Examiner argued that Veeneman teaches a method for "creating personalized catalogs from said shopping lists, wherein said personalized catalogs include product information of items within said shopping lists along with an associated barcode." Regarding Claim 8, the Examiner argued that Veeneman teaches a method that includes the steps of "printing said personalized catalog; and using said printed personalized catalog to conduct online shopping."

During the Examiner Interview, it was agreed upon that in view of the prior art, Claim 4 would be allowable if combined with the additional limitations of Claims 5 and 8 (i.e., the personalized catalogs). Therefore, Applicant has made this combination. Applicant has also imported the limitations of Claim 5 into Claim 17 and therefore believes that the amended Claim 17 should also be allowable in view of the prior art. Additionally, Applicant now believes that Claims 6, 7, and 9 should be allowable since they are dependent off allowable independent Claim 4.

With respect to Claim 12, the Examiner rejected the claim under 35 U.S.C. § 103(a) as being unpatentable over Veeneman and Knowlton in further view of Henson U.S. Patent No. 6,167,383 ("Henson"). Specifically, the Examiner argued that Henson teaches a method of "recommending a product substitute using a substitute database, an internal repository of product and manufacturer information based on Universal Product Codes, and external registries or repositories of product and manufacturer information based on Universal Product Codes (Col. 7, lines 45-52)." Applicant respectfully submits that the teachings of our invention are vastly different from the teachings of Henson. Henson does not teach a system for recommending substitute products. Rather, Henson teaches a system which recommends *complimentary* products. For example, if a user selects a certain type of computer, the system of Henson may recommend additional products, such as different monitors and speakers which are compatible with the user's selection. In contrast, Applicant's invention teaches a system which recommends *substitute* products of an item specifically scanned and which is not located or not found in the product database. For example, if a user scans the barcode on a can of soup, and the system recognizes that that particular barcode entry is not in the product database,

Applicant's system would search the internal repository and an array of external repositories of information (based on UPC codes) to determine similar products, such as cans of soups from other manufacturers. This particular point was discussed during the Examiner Interview and the Examiner agreed that our described substitution system was different than the complimentary recommendation system of Henson. To stress this point, Applicant has canceled Claim 12 and submitted new independent Claim 18 to further reflect this difference. Therefore, Applicant now believes that Claim 18 is in allowable condition.

In view of the above amendments, arguments and papers filed herewith, it is respectfully submitted that the rejections should be withdrawn. The Application is now believed to be in a condition for allowance, which is earnestly solicited.

Respectfully submitted,

Olivier Attia
